

TA21

State of New Mexico
ENVIRONMENT DEPARTMENT



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 19, 2007

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

David McInroy
Remediation Services Deputy Program Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop M992
Los Alamos, NM 87545

**RE: APPROVAL OF "NO LONGER CONTAINED-IN" DETERMINATION
REQUEST FOR ASPHALT AND ASSOCIATED SOIL AT SWMU 21-024(C)
FROM THE TA-21 DELTA PRIME SITE AGGREGATE AREA REMEDIATION
PROJECT
LOS ALAMOS NATIONAL LABORATORY, EPA ID #NM0890010515
HWB-LANL-04-011**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has reviewed the Department of Energy and the Los Alamos National Security, LLC's (collectively, the Permittees) *Request for a No Longer Contained-in Determination for Asphalt and Associated Soil at SWMU 21-024(c) from the TA-21 Delta Prime Site Aggregate Area (DPSAA) Remediation Project* (referenced by ENV-RCRA: 07-123). NMED hereby grants the Permittees' request for a "no longer contained in" determination for the waste.

The Permittees provided a comparison of the maximum detected concentrations of potential F-listed organic constituents in each sample with the New Mexico Soil Screening Levels (SSLs) and the Environmental Protection Agency (EPA) Region 6 Human Health Medium-Specific Screening Levels (MSSLs). The potential F-listed constituents that were detected are benzene and toluene (F005). These constituents were detected at levels that are below both the SSLs and



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Messrs. Gregory and McInroy

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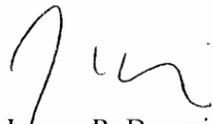
MSSLs for the industrial/occupational worker scenario. The results of the Toxicity Characteristic Leaching Procedure (TCLP) analysis of the sample indicate that concentrations of all metals were below the applicable regulatory levels. Additionally, the results indicate that the waste does not contain characteristic hazardous waste as defined in 40 CFR 261.21 through 261.23. Based on this information, NMED believes that the asphalt and associated soil does not need to be managed as hazardous waste.

The Permittees also request a determination that land disposal restrictions (LDR) do not apply to the asphalt and associated soil so that it may be managed and disposed of as a non-hazardous waste. The Permittees provided a comparison of the detected concentrations of potential F-listed organic constituents with the LDR treatment standards. Both the detections are below the LDR treatment standards listed in 20.4.1.800 NMAC incorporating 40 CFR 268.40. Based on the low levels of benzene and toluene, LDRs do not apply to the asphalt and associated soil and it does not need to be managed and disposed of as hazardous waste.

The Permittees have not provided specific information on final disposition of the waste. Since the waste is contaminated with low-level radiological constituents, the Permittees must ensure that the waste is disposed of at a permitted waste disposal facility. If additional F-listed constituents are detected during future sampling activities or if the constituents discussed above are detected at concentrations above cleanup standards or LDRs, the Permittees must request another no longer contained-in determination or manage it as a hazardous waste.

If you have any questions regarding this letter, please contact Kathryn Roberts of my staff at (505) 476-6041.

Sincerely,



James P. Bearzi
Chief

Hazardous Waste Bureau

cc: K. Roberts, NMED HWB
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file: Reading and LANL TA-21 '07 (SWMU 21-024(c))